

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSEPH S. BEALE,	)	
	)	Case No. 07 CV 6909
Plaintiff,	)	
	)	Judge Kocoras
v.	)	
	)	Magistrate Judge Valdez
REVOLUTION PORTFOLIO, LLC, and	)	
SECURITY LIFE OF DENVER	)	
INSURANCE COMPANY d/b/a/ ING,	)	
	)	
Defendants.	)	
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	)	
REVOLUTION PORTFOLIO, LLC,	)	
	)	
Counter-Plaintiff,	)	
	)	
v.	)	
	)	
JOSEPH S. BEALE,	)	
	)	
Counter-Defendant.	)	

**MOTION FOR LEAVE TO FILE  
AMENDED AFFIRMATIVE DEFENSES**

Plaintiff Joseph S. Beale (“Beale”), by and through his attorneys, Novack and Macey, LLP, respectfully moves the Court for the entry of an Order granting him leave to file his First Amended Affirmative Defenses to Defendant Revolution Portfolio, LLC’s (“Revolution”) Counterclaim. In support of this Motion, Beale states as follows:

1. Beale filed his original complaint on November 2, 2007, against Revolution and Defendant Security Life of Denver Insurance Company d/b/a ING (“ING”) in the Circuit Court of Cook County, Illinois, in case no. 07 CH 31969 (the “State Court Action”).

2. The case was removed to this Court on or about December 7, 2007.

3. ING filed its answer to the original complaint on or about December 14, 2007.

Revolution filed its Answer and Counterclaim on December 14, 2007.

4. Beale filed his original Answer and Affirmative Defenses to Revolution's Counterclaim on January 7, 2008.

5. Since January 7, 2008, the parties participated in a settlement conference and have begun written discovery. To date, written discovery is not yet complete.

6. Beale seeks leave to amend his defenses to the Counterclaim. Specifically, Beale seeks leave to file his Amended Affirmative Defenses to Revolution Portfolio, LLC's Counterclaim (a copy of which is attached hereto as Exhibit A) to add paragraphs 17 through 20 to his affirmative defenses.

7. Because these defenses arise out of the same facts that are already the subject of discovery, and because discovery is not yet complete, Revolution and ING will not suffer any prejudice as a result of the proposed amendments.

8. This is Beale's first request to amend, and it is not made for any improper purpose.

WHEREFORE, Plaintiff Joseph S. Beale respectfully requests that the Court enter an Order as follows:

A. Granting him leave to file his Amended Affirmative Defenses to Revolution Portfolio, LLC's Counterclaim; and

C. Granting him such other and further relief as is appropriate.

Respectfully submitted,

JOSEPH S. BEALE

By: /s/ Monte L. Mann  
One of His Attorneys

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**CERTIFICATE OF SERVICE**

Monte L. Mann, an attorney, hereby certifies that, on April 25, 2008, he caused a true and correct copy of the foregoing *Motion for Leave to File Amended Affirmative Defenses* to be filed electronically with the Court's CM/ECF system, and that notice of this filing was sent by electronic mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to receive electronic filings as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Monte L. Mann

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Monte L. Mann